

REMARKS/ARGUMENTS

This is intended as a full and complete response to the Office Action dated August 28, 2007. Please reconsider the claims pending in the application for reasons discussed below.

DISPOSITION OF CLAIMS

Claims 11-24 and 26 are pending in this application. Claims 1-10 and 25 have been cancelled. Claim 11 has been amended as set forth above to more particularly point out what applicant regards as the invention. The feature, "the drive mechanism being capable of exerting a force sufficient to expel the medicament from the reservoir through the needle," finds support in the specification in, for example, paragraph [0015]. The feature, "the drive mechanism being capable of being manually re-cocked when the drive spring is in the martensite phase," finds support in the specification in, for example, paragraph [0016]. The reservoir being in a distal portion of the housing and the drive mechanism being in a proximal portion of the housing find support in, for example, paragraph [0014]. Claims 16, 17, 20, 22, and 26 have been amended as set forth above to correct certain informalities. These amendments have been made in an effort to advance prosecution of this application. No new matter has been added by these amendments.

REJECTIONS UNDER 35 U.S.C. §102

Claim 1 stands rejected under 35 U.S.C. § 102 as being anticipated by Bechtold et al. (U.S. Patent No. 5092842), Wyrick (U.S. Patent No. 5358489), or Holman et al. (U.S. Patent No. 5104380). Claim 1 has been cancelled. Accordingly, this rejection is moot.

REJECTIONS UNDER 35 U.S.C. §103

Claims 2-26 stand rejected under 35 U.S.C. § 103 as being unpatentable over Bechtold et al. (U.S. Patent No. 5092842), Wyrick (U.S. Patent No. 5358489), or Holman et al. (U.S. Patent No. 5104380) in view of Smoliarov et al. (U.S. Patent No.

6626871), Cheikh (U.S. Patent No. 6306420), and Imran (U.S. Patent No. 5236424). Reconsideration of this rejection is respectfully requested.

Bechtold et al., Wyrick, and Holman et al. do not disclose or teach an autoinjector having the feature, “the drive mechanism comprising a shape memory alloy drive spring, the shape memory alloy drive spring being formulated to exert a first force when in a martensite phase and a second force, which is larger than the first force, when in an austenite phase, the drive mechanism being capable of being manually re-cocked when the drive spring is in the martensite phase,” as recited in claim 11. Smoliarov et al., Cheikh, and Imran also fail to overcome the deficiency in Bechtold et al., Wyrick, and Holman et al. Mere or direct substitution of any shape memory alloy material for any of the springs disclosed in the devices of Bechtold et al., Wyrick, and Holman et al. would not render claim 11 obvious. Claim 11 includes special conditions for the shape memory alloy drive spring when used as a component of a drive mechanism for an autoinjector. Smoliarov et al., Cheikh, and Imran do not appear to teach these special conditions. However, if Applicant is mistaken, Applicant implores the Examiner to point out the errors in Applicant’s reasoning as well as refer to specific portions of the cited references relied upon in making the rejection.

From the foregoing, claim 11 is not obvious over Bechtold et al., Wyrick, or Holman et al. in view of Smoliarov et al., Cheikh, and Imran. Withdrawal of the rejection of claim 11 is respectfully requested. Claims 12-24 and 26, being dependent from claim 11, are likewise patentable in view of the foregoing arguments.

CONCLUSION

Applicant believes that this paper is fully responsive to the Office Action dated August 28, 2007, and respectfully requests that a timely Notice of Allowance be issued in this case. A call to the undersigned is encouraged if the Examiner believes that a telephone conference would advance prosecution of this application.

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Respectfully submitted,
DEWIPAT Incorporated

By Adenike Adebisi
Adenike A. Adebisi
Reg. No. 42,254
Tel.: (281) 856-8646